

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	No. 20 CR 00418-1
)	
v.)	Judge John A. Ross
)	
JAMES TIMOTHY NORMAN,)	
)	
Defendant.)	

DEFENDANT NORMAN’S EMERGENCY MOTION

Defendant, JAMES TIMOTHY NORMAN, by and through his undersigned attorneys, respectfully moves this Court, for the entry of an Order further extending the time to file his post-trial motions, and states as follows:

1. The Defendant’s post-trial motions are currently due on or before December 14, 2022.
2. The Defendant received a critical portion of the trial transcript, specifically the Defendant’s testimony, on the date of this written motion. It consists of over 200 pages and over 50 substantive objections in just the first half of the transcript.
3. The Defendant requested the trial transcripts beginning during the trial on September 9, 2022, but this Court ordered that no trial transcripts would be transcribed during the trial (*See* transcript of trial September 9, 2022; see also Exhibit A, email from court reporter confirming the court’s ruling although no court order was made in reference to this point.)
4. The Defendant timely requested all trial transcripts on September 27, 2022 in an effort to timely file post-trial motions. (See DKT. 413).

5. Between September 27, 2022 and November 30, 2022, Defendant sought certain portions of the trial transcript to be transcribed for the purposes of the post-trial motion and communicated regularly with the assigned court reporter in this case.

6. The Defendant was advised through counsel that the assigned court reporter in this matter has two other trial transcripts for the appellate court that must be completed before she can complete the remaining transcripts requested by the Defendant in this case. (Exhibit B.)

7. The appellate cases taking a priority over this case was a repeated occurrence throughout this time, as early as October 4, 2022. (Exhibit C.)

8. The entire trial transcript is about 1650 pages. The Defendant is currently in possession of only about 650 pages of that transcript as of the date of this writing.

9. The sentencing in this matter was moved to March 2, 2023. The pre-sentencing report has not been completed as of the date of this writing.

10. The Government has expressed no objection to the Defendant having additional time.

11. Federal Rule of Criminal Procedure 45(b) provides the following:

“b) Extending Time.

(1) In General. When an act must or may be done within a specified period, the court on its own may extend the time, or for good cause may do so on a party's motion made:

(A) before the originally prescribed or previously extended time expires; or

(B) after the time expires if the party failed to act because of excusable neglect.”

12. Federal Rule of Criminal Procedure 33, committee notes of 2005 and 2009, refer to Rule 45 and states “Assuming that the current rule was intended to promote finality,

there is nothing to prevent the court from granting the defendant a significant extension of time, so long as it does so within the seven-day period.”

13. The Defendant is still within compliance with Rule 33 and 45 and has not shown any neglect or undue delay in filing his post-trial motion.

14. The Court and these proceedings not prejudiced by granting Defendant additional time.

15. The Government is not prejudiced by granting Defendant additional time, and have expressed on multiple prior occasions no objection to granting Defendant additional time.

16. However, the Defendant will be significantly and irreparably prejudiced if this motion is denied in light of the above.

17. This motion will not delay these proceedings in any way; and this motion is not brought for any improper purpose.

18. The Defendant seeks time to file by Friday, January 6, 2023.

WHEREFORE, Defendant, Mr. Norman, by and through his undersigned counsel, respectfully requests the entry of an Order granting him additional time, up to and including January 6, 2023, by which to file his post-trial motions, and for such other and further relief as is appropriate under the circumstances.

Respectfully Submitted,

/s/Gloria V. Rodriguez

Gloria V. Rodriguez

9 North County Street, Suite 102

Waukegan, IL 60085

847-672-8888 (office)

312-277-3384 (fax)

gloria@gloriaslaw.com

**ONE OF THE ATTORNEYS FOR
DEFENDANT**

CERTIFICATE OF SERVICE

I, Gloria Rodriguez, one of the attorneys for Defendant, hereby certify that I caused to be served a true and accurate copy of the foregoing document on all parties of record by way of this Court's ECF filing system on December 12, 2022.

Respectfully Submitted,

**By: /s/Gloria V. Rodriguez
One of Defendant's Attorneys**